

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RUMI J. SANDLIN

vs.

UNITED STATES OF AMERICA

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Case No. 4:08-cv-383
(Judge Schneider/Judge Mazzant)

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On January 13, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the United States' Motion to Dismiss (Dkt. #56) should be granted.

On January 29, 2010, Plaintiff filed Verified Objections to Magistrate's Report and Recommendations (Dkt. #85) and Verified Corrections to Findings of Fact (in Support of Objections to Erroneous Magistrate's Report and Recommendations) (Dkt. #86). The Court, having made a *de novo* review of the objections raised by Plaintiff, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Plaintiff has no basis to collaterally attack the criminal judgment of Robert Sandlin which imposed valid conditions and restrictions upon Robert Sandlin. Plaintiff continues to argue that the Court has ignored her allegations of fraud in these proceedings and fails to address her hardships and resulting harms. The Magistrate Judge acknowledged that Plaintiff suffered some injury due to Robert Sandlin's criminal judgment, but found that Plaintiff's lawsuit was a collateral attack on a final criminal judgment. In addition, the Court finds no fraud against Plaintiff. This Court has no jurisdiction to entertain


Plaintiff's complaints, which would require the Court to examine the requirements set forth in Robert Sandlin's criminal judgment. To allow Plaintiff to proceed in this action would be opening the courts to new claims for persons affected by criminal judgments, which this Court will not do. The Court further finds that the United States' motion to dismiss should also be granted based upon Plaintiff's failure to state a claim upon which relief could be granted.

Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that the United States' Motion to Dismiss (Dkt. #56) is **GRANTED**.

IT IS SO ORDERED.

SIGNED this 9th day of February, 2010.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE